



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: January 11, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager

SUBJECT: **Joint Public Hearing** of the City Council and Redevelopment Agency relating to an Amendment to the Redevelopment Plan to expand the Agency's eminent domain authority to residential uses

- a. Agency Board – CRA Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- b. City Council – Council Bill #R-2005-01 – Certifying proposed Amendment is exempt from CEQA
- c. Council Bill #R-2005-02 - Overruling written and verbal objections and adopting responses to written objections
- d. City Council - Considers Report of Agency, Notice of Exemption, Report and Recommendations of the Planning Commission, Evidence for and against the proposed Amendment, Responds to all written and oral objections to the proposed Amendment, and consents to including all in the record
- e. City Council – Council Bill #O-2005-01 (First Reading/Set Second Reading for January 25) Adopting the proposed Amendment to the Redevelopment Plan

RECOMMENDATION

It is recommended that the public hearing be opened; presentations be made by Special Counsel and Agency Advisor; public testimony offered; that the public hearing be closed; and that action relating to the proposed resolutions and ordinance be continued to January 25.

BACKGROUND

See information provided in the binder distributed December 14.

RESOLUTION NO.

A RESOLUTION OF THE LOMA LINDA REDEVELOPMENT
AGENCY ADOPTING A CATEGORICAL EXEMPTION
(CEQA) FOR AMENDMENT NO. 1 TO THE
REDEVELOPMENT PLAN FOR THE LOMA LINDA
REDEVELOPMENT PROJECT

WHEREAS, by Ordinance No. 591, the City Council of the City of Loma Linda (the "City Council") did duly pass and approve the Redevelopment Plan (the "Plan") for the Loma Linda Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, the Loma Linda Redevelopment Agency (the "Agency") has undertaken the required steps for the consideration of the adoption of an amendment ("Amendment No. 1") to the Plan; and

WHEREAS, a draft Redevelopment Plan for the Redevelopment Project as amended by Amendment No. 1 (the "Amended Redevelopment Plan") has been prepared in accordance with the provisions of the Community Redevelopment Law, California Health and Safety Code Sections 33000, *et seq.* (the "Community Redevelopment Law"); and

WHEREAS, the Planning Commission of the City of Loma Linda (the "City") has approved and forwarded to the City Council its report and recommendation, pursuant to Section 33346 of the Community Redevelopment Law, that the proposed Amendment No. 1 is in conformity with the General Plan of the City of Loma Linda and has recommended approval of the Amendment No. 1; and

WHEREAS, the Agency has prepared an Exemption on the proposed Amendment No. 1 pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA"), and the Guidelines for Implementation of the California Environmental Quality Act, Title 14, California Code of Regulations, Sections 15000, *et seq.* (the "CEQA Guidelines"); and

WHEREAS, all action required to be taken by applicable law related to the preparation of the Exemption have been taken; and

WHEREAS, following notice duly and regularly given as required by law, a joint public hearing has been held by the Agency and the City Council concerning the adoption of Amendment No. 1 and review of the Exemption relating thereto and all interested persons expressing a desire to comment thereon or object thereto have been heard; and

WHEREAS, the Exemption incorporates all required contents and review and the response of the Agency and the City thereto; and

WHEREAS, the Agency has reviewed and considered the Exemption with respect to Amendment No. 1 and all comments thereto;

NOW, THEREFORE, BE IT RESOLVED by the Loma Linda Redevelopment Agency as follows:

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Section 1. A full and fair public hearing has been held on the Categorical Exemption prepared on the proposed Amendment No. 1. The Agency has considered all comments received thereon. The Categorical Exemption is hereby approved, certified, and adopted for proposed Amendment No. 1 and is incorporated herein by reference.

Section 2. The Agency hereby certifies that the Categorical Exemption for the proposed Amendment No. 1 has been completed in compliance with CEQA and the CEQA Guidelines, and that the City Council has reviewed and considered the Categorical Exemption and the information contained therein prior to deciding whether to approve the proposed Amendment No. 1 and finds that the Categorical exemption reflects the independent judgment of the Agency.

PASSED, APPROVED AND ADOPTED this 11th day of January 2005 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Robert Ziprick, Chairman

ATTEST:

Pamela Byrnes-O'Camb, Secretary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, APPROVING THE CATEGORICAL
EXEMPTION (CEQA) FOR AMENDMENT NO. 1 TO THE
REDEVELOPMENT PLAN FOR THE LOMA LINDA
REDEVELOPMENT PROJECT

WHEREAS, by Ordinance No. 591, the City Council of the City of Loma Linda (the "City Council") did duly pass and approve the Redevelopment Plan (the "Plan") for the Loma Linda Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, the Loma Linda Redevelopment Agency (the "Agency") has undertaken the required steps for the consideration of the adoption of an amendment ("Amendment No. 1") to the Plan; and

WHEREAS, a draft Redevelopment Plan for the Redevelopment Project as amended by Amendment No. 1 (the "Amended Redevelopment Plan") has been prepared in accordance with the provisions of the Community Redevelopment Law, California Health and Safety Code Sections 33000, *et seq.* (the "Community Redevelopment Law"); and

WHEREAS, the Planning Commission of the City of Loma Linda (the "City") has approved and forwarded to the City Council its report and recommendation, pursuant to Section 33346 of the Community Redevelopment Law, that the proposed Amendment No. 1 is in conformity with the General Plan of the City of Loma Linda and has recommended approval of the Amendment No. 1; and

WHEREAS, the Agency has prepared an Exemption on the proposed Amendment No. 1 pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA"), and the Guidelines for Implementation of the California Environmental Quality Act, Title 14, California Code of Regulations, Sections 15000, *et seq.* (the "CEQA Guidelines"); and

WHEREAS, all action required to be taken by applicable law related to the preparation of the Exemption have been taken; and

WHEREAS, following notice duly and regularly given as required by law, a joint public hearing has been held by the Agency and the City Council concerning the adoption of Amendment No. 1 and review of the Exemption relating thereto and all interested persons expressing a desire to comment thereon or object thereto have been heard; and

WHEREAS, the Exemption incorporates all required contents and review and the response of the Agency and the City thereto; and

WHEREAS, the City Council has reviewed and considered the Exemption with respect to Amendment No. 1 and all comments thereto;

NOW, THEREFORE, the City Council of the City of Loma Linda does resolve as follows:

Section 1. A full and fair public hearing has been held on the Categorical Exemption

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prepared on the proposed Amendment No. 1. The City Council has considered all comments received thereon. The Categorical Exemption is hereby approved, certified, and adopted for proposed Amendment No. 1 and is incorporated herein by reference.

Section 2. The City Council hereby certifies that the Categorical Exemption for the proposed Amendment No. 1 has been completed in compliance with CEQA and the CEQA Guidelines, and that the City Council has reviewed and considered the Categorical Exemption and the information contained therein prior to deciding whether to approve the proposed Amendment No. 1 and finds that the Categorical exemption reflects the independent judgment of the Agency.

PASSED, APPROVED AND ADOPTED this 11th day of January 2005 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA
OVERRULING OBJECTIONS TO AMENDMENT NO. 1 TO THE
REDEVELOPMENT PLAN FOR THE LOMA LINDA REDEVELOPMENT
PROJECT

WHEREAS, the City Council of the City of Loma Linda (the "City Council") adopted the Redevelopment Plan for the Loma Linda Redevelopment Project (the "Redevelopment Project") and the project area thereby approved ("Project Area") on September 26, 2000, pursuant to Ordinance No. 591 (the "Plan"); and

WHEREAS, the City Council has proposed by an ordinance in form submitted herewith (the "Ordinance") to adopt a form of amended and restated redevelopment plan in the form submitted herewith, entitled "Amendment No. 1 to Redevelopment Plan for the Loma Linda Redevelopment Project" ("Amendment No. 1") to amend the Plan for the above described project for the purpose of providing the Agency with the power to acquire by eminent domain residentially zoned property and/or property on which persons reside; and

WHEREAS, the City Council has received from the Loma Linda Redevelopment Agency (the "Agency") the proposed Amendment No. 1, a copy of which is on file at the office of the City Clerk, together with the Agency's Report to City Council including the reasons for such proposed Amendment No. 1; and

WHEREAS, the proceedings for amendment of the Plan by Amendment No. 1 have proceeded pursuant to and in conformity with all applicable provisions of the Community Redevelopment Law (the "Law") as provided in Health and Safety Code Section 33450, *et seq.*; and

WHEREAS, Section 33457.1 of the Law provides that to the extent warranted by a proposed amendment to a redevelopment plan, the reports and information required by Section 33352 and 33367 will be prepared; and

WHEREAS, on January 11, 2005, the City Council and the Agency held a joint public hearing on the proposed adoption of Amendment No. 1 in the City Council Chambers at 25541 Barton Road, Loma Linda, California 92354; and

WHEREAS, notice of said joint public hearing was duly and regularly published in The Sun a newspaper of general circulation in the City of Loma Linda, pursuant to the provisions of Government Code Section 6063 and Section 33452 of the Law, once a week for not less than three successive weeks prior to the date of such joint public hearing, and a copy of said notices is on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were mailed by first class mail to the last known address of each assessee as shown on the last equalized assessment roll of the County of San Bernardino for each parcel of land in the Project Area, and to each resident and business within the subject Project Area whose names and addresses could reasonably be identified by the Agency, not less than thirty (30) days prior to the date of such joint public hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

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WHEREAS, in connection with the joint public hearing that was held concerning Amendment No. 1, a total of _____(____) writings were received from or on behalf of property owners (the "Objections"). Staff has prepared a detailed written response ("Response") concerning the Objections, which is attached hereto as Attachment No. 1 and incorporated by reference herein; and

WHEREAS, the City Council has carefully reviewed and considered the Objections as well as the Response, and approves of and desires to adopt the Response as the response of the City Council to the Objections pursuant to Section 33363 of the Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOMA LINDA AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency's Report to the City Council on Amendment No. 1, and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of Amendment No. 1 that the material set forth in the Response is true and correct.

SECTION 2. The City Council hereby approves and adopts as its response to the Objections the Response in the form submitted herewith and overrules the Objections.

SECTION 3. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Loma Linda, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Loma Linda this _____ day of _____, 2005 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes O'Camb, City Clerk

ATTACHMENT NO. 1

RESPONSE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA APPROVING AND ADOPTING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR THE LOMA LINDA REDEVELOPMENT PROJECT PURSUANT TO THE PROVISIONS OF THE COMMUNITY REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33450 ET SEQ.

WHEREAS, the City Council of the City of Loma Linda (the "City Council") adopted the Redevelopment Plan for the Loma Linda Redevelopment Project (the "Redevelopment Project") and the project area thereby approved ("Project Area") on September 26, 2000, pursuant to Ordinance No. 591 (the "Plan"); and

WHEREAS, the City Council proposes to amend the Plan for the above- described project by adopting a form of amended and restated redevelopment plan entitled "Amendment No. 1 to Redevelopment Plan for the Loma Linda Redevelopment Project" ("Amendment No. 1") for the purpose of providing the Agency with the power to acquire by eminent domain residentially zoned property and/or property on which persons reside; and

WHEREAS, the City Council has received from the Loma Linda Redevelopment Agency (the "Agency") Amendment No. 1, a copy of which is on file at the office of the City Clerk, together with the Agency's Report to City Council including the reasons for Amendment No. 1; and

WHEREAS, Amendment No. 1 would have no impact on the General Plan for the City of Loma Linda because it only provides the Agency with the power to acquire by eminent domain residentially zoned property and/or property on which persons reside; and

WHEREAS, in conformity with the requirements of the Community Redevelopment Law (Health and Safety Code Section 33000, et seq.), and in particular Section 33490 of the Health and Safety Code, the Agency has previously adopted and has in place an implementation plan for the Project Area that describes the redevelopment project area, the specific goals and objectives for the project area, and the specific programs, including potential projects and estimated expenditures proposed during the five (5) year term of the implementation plan, and further, the implementation plan includes an explanation of how the goals, objectives, programs, and expenditures will eliminate blight in the project area and implement the affordable housing requirements of the Community Redevelopment Law; and

WHEREAS, the implementation plan in place is current for the five year period, and does not require amendment in connection with the proposed Amendment No. 1; and

WHEREAS, Section 33457.1 of Article 12 of the Community Redevelopment Law provides that to the extent warranted by a proposed amendment to a redevelopment plan, the reports and information required by Section 33352 and 33367 will be prepared; and

WHEREAS, the City Council and the Agency held a joint public hearing on January 11, 2004, on the proposed adoption of Amendment No. 1 in the City Council Chambers at 25541 Barton Road, Loma Linda, California 92354; and

WHEREAS, notice of said joint public hearing was duly and regularly published in the The Sun pursuant to the provisions of Government Code Section 6063 and Health and Safety Code Section 33452,

once a week for three successive weeks prior to the date of such joint public hearing, and a copy of said notices is on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were mailed by first class mail to the last known address of each assessee as shown on the last equalized assessment roll of the County of San Bernardino for each parcel of land in the Project Area, and to each resident and business within the subject Project Area whose names and addresses could reasonably be identified by the Agency, not less than thirty (30) days prior to the date of such joint public hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, the City Council has considered the Report to Council from the Agency with regard to the Amendment No. 1, has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the Amendment No. 1, and has made a written response to each written objection of an affected property owner and taxing entity filed with the City Clerk before the hour set for such joint public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency's Report to the City Council on the Amendment No. 1, and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of the subject Amendment No. 1 held on January 11, 2004, that:

(a) Amendment No. 1 conforms to the General Plan of the City of Loma Linda, including, but not limited to, the Housing Element of the General Plan.

(b) The implementation of Amendment No. 1 will promote the public peace, health, safety and welfare of the City of Loma Linda and will effectuate the purposes and policies of the Community Redevelopment Law. This finding is based on the fact that providing the Agency with the power to acquire by eminent domain residentially zoned property and/or property on which persons reside is in the public interest and is necessary in order to implement the provisions of the Redevelopment Plan and the Community Redevelopment Law.

(c) The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Project Area. The Agency also has a feasible method and plan for its relocation of businesses. This finding is based upon the fact that the Agency has adopted a plan for relocation of families, persons and businesses who are displaced by Agency projects, and upon the fact that the Plan provides for relocation assistance according to law, and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation.

(d) The condemnation of real property as provided for in Amendment No. 1 is necessary to the execution of the Redevelopment Plan and adequate provisions have been made for payment for property to be acquired as provided by law.

(e) There are, or are being provided, within the Project Area or within other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or

prices within the financial means of the families and persons who might be displaced from the Project, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

(f) Families and persons shall not be displaced prior to adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the Health and Safety Code. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to adoption of a replacement housing plan pursuant to Health and Safety Code Sections 33334.5, 33413 and 33413.5.

SECTION 2. The City Council is satisfied that permanent housing facilities will be available within three years from the time residential occupants of the Project Area are displaced, and that pending the development of such facilities, there will be available to any such displaced residential occupants temporary housing facilities at rents comparable to those in the City of Loma Linda at the time of their displacement. This finding is based upon the City Council's finding that no persons or families of low and moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings.

SECTION 3. Any written objections to the Amendment No. 1 filed with the City Clerk before the hour set for hearing and all written and oral objections presented to the City Council at the hearing having been considered and, in the case of written objections received from Project Area property owners, residents and businesses and affected taxing agencies, having been responded to in writing, are hereby overruled.

SECTION 4. That certain "Amendment No. 1 to the Redevelopment Plan for the Loma Linda Redevelopment Project," a copy of which is on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered, is hereby approved and adopted.

SECTION 5. The subject Redevelopment Plan for the Loma Linda Redevelopment Project originally adopted on September 26, 2000, by City Council Ordinance No. 591 together with this Amendment No. 1 is hereby designated, approved, and adopted as the Redevelopment Plan for the Loma Linda Redevelopment Project as amended by Amendment No. 1 (the "Amended Project").

SECTION 6. In order to implement and facilitate the effectuation of the Amended Project hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Amended Project, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Amended Project likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Project, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Amended Project.

SECTION 7. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan as amended by Amendment No. 1.

SECTION 8. The City Clerk is authorized but is not required to submit Amendment No. 1 to the San Bernardino County Recorder for recordation; provided that the failure to submit Amendment No.

I for recording or the circumstance that Amendment No. 1 is not recorded shall not affect the validity or enforceability of this Ordinance.

SECTION 9. If any part of this Ordinance or Amendment No. 1 which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of Amendment No. 1, and this City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of Amendment No. 1 if such invalid portion thereof had been deleted.

SECTION 10. This Ordinance shall be take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the ____ day of _____ and was adopted on the ____ day of _____ by the following vote to wit:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Karen Gaio Hansberger, Mayor

Attest:

Pamela Byrnes-O'Camb, City Clerk